

### **REMARKS**

Applicant hereby traverses the current restriction requirement, and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1-2, 4-11, 14-34, and 36-39 are pending in this application.

### **Claim Amendments**

Claims 1 and 9 have been amended to correct minor issues. More specifically, claim 1 has been amended change “a” to “the” to provide proper basis for the particular mail piece. In claim 9, the term “stamp” has been changed to “labels” which is used elsewhere in the claim. No new matter has been entered. The claims have been amended only for this purpose, and not for the purpose of narrowing their scope in the face of prior art.

### **Restriction Requirement**

In response to the Restriction Requirement included with the current Office Action, Applicant hereby elects Group II which includes claims 9-11, 14-34, and 36-39, as defined by the Restriction Requirement, for further prosecution. The election is being made WITH TRAVERSE.

The Office Action does not provide a prima facie case for the restriction requirement. Restriction is proper if two criteria are satisfied, namely that the inventions are independent or distinct, and that there is a serious burden on the USPTO, see M.P.E.P. § 803.

With regard to the distinct requirement, the Office Action has separated the claims into two groups, namely Groups I and II, and stated that they are related as sub-combinations useable together. The Office Action correctly states the requirements of the M.P.E.P. However, Applicant notes the claims of the two groups overlap in scope. For example, claim 4 of Group I defines that the system prints a selected image on the labels in addition to the postage indicia, and claim 5 of Group I defines that the selected image is selected based upon a characteristic of the recipient. Claim 9 of Group II similarly defines printing an image on the blank labels, and

the image is selected based upon one or more characteristics of the particular recipient. While not defining the same scope, Applicant believes that the scope of claim 4 overlaps with the scope of claim 9, and that the scope of claim 5 overlaps with the scope of claim 9. Furthermore, claims 6, 7, 8 of Group I have scopes that overlap with claims 18, 19, and 23 of Group II, respectively.

With regard to the burden requirement, the Office Action has completely omitted any discussion of the burden. As required in the M.P.E.P., the Office Action must select one or more reasons for insisting on the restriction, and then provide a rationale basis for the reason, see M.P.E.P. § 808.02. In any event, Applicant notes that the claims of Groups I and II have already been extensively prosecuted. The claims of both groups have been the subject of two Office Actions, one Advisory Action, and one Interview. Thus, all of the claims have already been the subject of at least one search. Therefore, Applicant respectfully asserts that there cannot be any burden on the USPTO to continue prosecution of the claims.

Therefore, for the reasons cited above, Applicant believes that restriction between Groups I and II is improper, and should be withdrawn.

### **Conclusion**

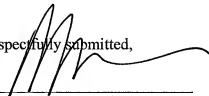
In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P022US/10303187 from which the undersigned is authorized to draw.

Dated: June 12, 2008

Respectfully submitted,

By



Michael A. Papalas  
Registration No.: 40,381  
FULBRIGHT & JAWORSKI L.L.P.  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201-2784  
(214) 855-8186  
(214) 855-8200 (Fax)  
Attorney for Applicant

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 13, 2008

Signature:



Jay H. Peltico